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August 19, 2021

**BY ECF**

The Honorable Alison J. Nathan  
 United States District Court  
 Southern District of New York  
 United States Courthouse  
 40 Foley Square  
 New York, NY 10007

**Re: *United States v. Ghislaine Maxwell, S2 20 Cr. 330 (AJN)***

Dear Judge Nathan:

Pursuant to the Court’s order, dated August 13, 2021, we respectfully submit this letter to inform the Court that Ms. Maxwell does not seek any redactions to the Court’s sealed Opinion and Order, dated August 13, 2021, or the underlying motion papers.

We note that, under the terms of the Protective Order entered in this case, defense counsel are prohibited from “filing publicly as an attachment to a filing or excerpted within a filing the identity of any victims or witnesses referenced in the discovery, who have not spoken by name on the public record in this case.” (Dkt. 36 ¶ 6). The underlying motion papers reference the names of accusers and potential witnesses who have spoken on the public record in this case and others who have spoken publicly but not associated themselves directly with this case. The Court has ruled that the existence of the Protective Order, by itself, is not sufficient to justify redactions, and that any redactions must be justified under the three-part test articulated by the Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

The defense has consistently taken the position that the names of the accusers and other witnesses who have chosen to speak to the media about their alleged experiences, including regarding the very materials sought by the subpoena, should be publicly disclosed and that it is not the defense’s burden to justify redacting their names. Accordingly, the defense does not seek any redactions. If the government wishes to seek any redactions, we respectfully submit that it is their burden – not Ms. Maxwell’s – to justify them under *Lugosch*.

The Honorable Alison J. Nathan  
August 19, 2021  
Page 2

The exhibits to the motion also attach documents that were obtained independent of the criminal discovery. We submit that it is the government's burden to justify any redactions to these documents under *Lugosch*.<sup>1</sup>

Sincerely,

/s/ Christian Everdell  
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cc: All Counsel of Record (By ECF)

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<sup>1</sup> Page 20 of Exhibit 1 to the motion appears to contain personal email addresses of one of the accusers and another person. The defense has no objection to redacting these email addresses.